

Applicant: S. Cohen, et al.  
U.S.S.N.: 10/007,629  
Response to Office Action  
Page 10 of 14

### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-20 are pending in the subject application.

Claims 1-9 and 11-20 stand rejected under 35 U.S.C. §102. Claim 10 was objected to as depending from a rejected base claim; however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form. Claim 13 was objected to because of identified informalities.

Claims 5, 10 and 15 were canceled without prejudice or disclaimer to prosecuting these claims in continuing application.

Claim 1 was amended so as to include the limitations of claims 5 and 10. Claim 17 was appropriately amended so as to reflect the incorporation of the limitations of claims 5 and 10.

Claim 11 was amended so as to include the limitations of claims 5, 10 and 15.

Claim 13 was amended as suggested by the Examiner to resolve the identified informality.

Claims 4, 9, 13, 18 and 19 were amended so as to reflect changes in language of the respective base claim. Claim 6 was amended so as to reflect changes in dependency due to claim cancellation.

The amendments to the claims are supported by the originally filed disclosure.

35 U.S.C. §102 REJECTIONS

The Examiner rejected claims 1-9 and 11-20 under 35 U.S.C. §102(a) as being anticipated by either of the identified references as more particularly described on pages 2-11 of the above-referenced Office Action. Applicants respectfully traverse as discussed below. Because claims were amended in the instant amendment, the following discussion refers to the language of the amended claims. However, only those amended features specifically relied upon to distinguish the claimed invention from the cited prior art shall be considered as being made to overcome the cited reference.

As indicated herein, claims 5 and 15 were canceled. Thus, Applicants have not separately addressed the within rejection as to these claims further herein.

As indicated herein, claim 1 was amended to include the limitations of claims 5 and 10. As indicated in the above-referenced Office Action, claim 10 contained allowable subject matter and would be allowable if re-written in independent form and so as to include the limitations of the base claim (claim 1) and any intervening claims (claim 5). Thus, Applicants respectfully submit that at least for this reason claim 1 is considered to be patentable over the cited reference(s).

As to claim 11, as indicated herein this claim was amended to include the limitations of claims 5, 10 and 15. Thus, at least because of the incorporation of these limitations, Applicants respectfully submit that claim 11 is considered to be patentable over the cited reference(s).

Applicant: S. Cohen, et al.  
U.S.S.N.: 10/007,629  
Response to Office Action  
Page 12 of 14

As to claim 17, as indicated herein this claim was amended so as to reflect the incorporation of the limitations from claims 5 and 10. Thus, at least because of the incorporation of these limitations, Applicants respectfully submit that claim 17 is considered to be patentable over the cited reference(s).

As provided in MPEP-2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Or stated another way, “The identical invention must be shown in as complete detail as is contained in the ... claims. *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d. 1913, 1920 (Fed. Cir. 1989). Although identify of terminology is not required, the elements must be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). It is clear from the foregoing remarks that the above identified claims are not anticipated by either of the cited references.

It is respectfully submitted that for the foregoing reasons, claims 1-4, 6-9, 11-14 and 16-20 are patentable over either cited reference. It also is respectfully submitted, therefore, that these claims satisfy the requirements of 35 U.S.C. §102(a) and are thus allowable.

#### CLAIM 10

In the above-referenced Office Action, claim 10 was objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that

Applicant: S. Cohen, et al.  
U.S.S.N.: 10/007,629  
Response to Office Action  
Page 13 of 14

this claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

Claim 10 was not expressly re-written in independent form as suggested by the Examiner, rather claim 10 was canceled and the limitations thereof, as well as any intervening claims, were added to the related base claim, claim 1. Accordingly, claim 1 is considered to be in allowable form.

#### OBJECTIONS TO CLAIMS

The Examiner objected to claim 13 for an identified informality and requested correction thereof. Claim 13 was amended in the instant amendment as suggested by the Examiner. As such, claim 13 is considered to be in acceptable form.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed

Applicant: S. Cohen, et al.  
U.S.S.N.: 10/007,629  
Response to Office Action  
Page 14 of 14

for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit  
Account No. **04-1105**.

Respectfully submitted,  
Edwards & Angell, LLP

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By: William J. Daley  
William J. Daley, Jr.  
(Reg. No. 35,487)  
P.O. Box 55874  
Boston, MA 02205  
(617) 439- 4444

**Customer No. 21,874**

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